IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.394 OF 2005

M/s.Aiges (India) Marketing Pvt.Ltd. .. Petitioner
V/s
Union of India & Ors. .. Respondents.

Mr.S.N.Kantawala i/by Mr.Yogesh Rohira for Petitioner.
Mr.Y.R.Mishra for Respondents.

CORAM: S.RADHAKRISHNAN &
A.S.AGUIAR, JJ.

DATE : 06.06.2005.

P.C.:

1. Heard the learned Counsel for the parties. The learned Counsel for the petitioner has brought to our notice the averments made in Paragraph No.8 of the affidavit of Shri.M.G.Rao, Junior Investigating Officer, Customs and Central Excise Settlement Commission, dated 13th April, 2005 wherein it is stated as under:-

> "I say that the Settlement applications were not rejected under section 127(I) of the Customs Act, 1962, but were rejected only for want of quantification of the duty liability. Since duty liability has already been quantified as above, the petitioner now has alternate remedy of filing a fresh application for settlement after admitting the ascertained duty liability as above. In the premises, I pray that the petition be dismissed with costs."

2. In view of the aforesaid statement, the learned Counsel for the petitioner seeks leave to withdraw this

petition with liberty to approach the Settlement Commission and file a fresh application for settlement within a period of two weeks from today.

3. Petition is therefore allowed to be withdrawn and dismissed as such with the aforesaid liberty.

(S.RADHAKRISHNAN,J.)

(A.S.AGUIAR,J.)